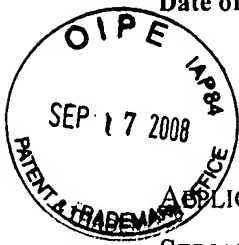


Express Mail Label No.: EM066613975US  
Date of Deposit: September 17, 2008

Attorney Docket No. 20363-013 NATL



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Kaelin, *et al.*  
SERIAL NUMBER: 10/533,839 EXAMINER: Hill, Kevin Kai  
FILING DATE: March 14, 2006 ART UNIT: 1633  
FOR: IN VIVO IMAGING OF E2F-REGULATED BIOLUMINESCENT  
PROTEINS

**MAIL STOP SEQUENCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

1. Response to Office Communication (1 page);
2. Copy of Notice to Comply (2 pages);
3. Computer Readable Form Submission (1 disk); and
4. Return Postcard.

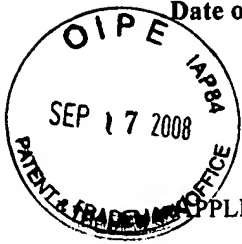
If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 20363-013NATL.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529  
Cynthia A. Kozakiewicz, Reg. No. 42,764  
c/o Mintz, Levin  
Telephone (617) 542 6000  
Fax : (617) 542 2241  
Customer No. 30623

Date: September 17, 2008



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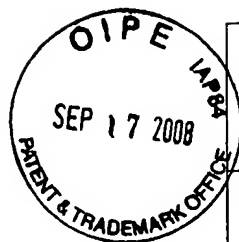
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**COPY**



<b>Notice to Comply</b>	<b>Application No.</b> 10/533,839	<b>Applicant(s)</b> Kaelin et al	
	<b>Examiner</b> Kevin K. Hill, Ph.D.	<b>Art Unit</b> 1633	

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**  
**Detailed Action**

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant has not filed a "Sequence Listing" for the SEQ ID numbers disclosed on page 12, lines 24-28, page 13, lines 8-13, and recited in the claims, thus precluding the Examiner from performing a search of the claimed invention.

Applicant is given **ONE (1) MONTH, or THIRTY (30) DAYS**, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in **ABANDONMENT** of the application under 37 CFR 1.821(g). Since this application has been granted special status under the accelerated examination program, **NO** extensions of time under 37 CFR 1.136(a) will be permitted.

Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin K. Hill, Ph.D. whose telephone number is 571-272-8036. The examiner can normally be reached on Monday through Friday, between 9:00am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave T. Nguyen can be reached on 571-272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Q. JANICE LI, M.D.**  
**PRIMARY EXAMINER**

<b>Notice to Comply</b>	<b>Application No.</b> 10/533,839	<b>Applicant(s)</b> Kaelin et al	
	<b>Examiner</b> Kevin K. Hill, Ph.D.	<b>Art Unit</b> 1633	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The sequences set fort in the specification and drawings lack sequence identifiers, specifically: page 12, lines 24-28 and page 13, lines 8-13.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

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